

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES M. BURKE and BRADLEY L. GROW,
as the designated Sellers' Representatives, under that certain
Agreement and Plan of Reorganization and Merger by and
between Eateries Holdings, LLC, Eateries, Inc., Fiesta LLC,
and the members of Eateries Holdings, LLC, on the one hand,
and Hestia Holdings, LLC, Eateries Merger Sub, Inc. and
Fiesta Merger Sub, Inc., on the other hand, dated as
of December 26, 2006,

Case No. 07 CIV 9909 (HB)(HP)
AFFIDAVIT OF SERVICE

Plaintiffs,

-against-

HESTIA HOLDINGS, LLC, a Delaware
Limited Liability Company, EATERIES, INC., a
Delaware corporation and FIESTA HOLDINGS,
INC., a Delaware corporation,

Defendants.

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STATE OF DELAWARE)
S.S.:
COUNTY OF NEW CASTLE)

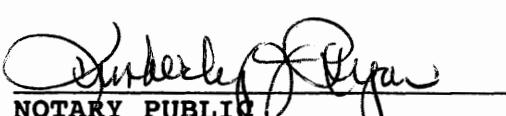
DANIEL NEWCOMB, being duly sworn deposes and says that he
is over the age of eighteen, is an agent of KEATING & WALKER
ATTORNEY SERVICE, and is not a party to this action.

That on the 9th day of November, 2007, at approximately
2:37 p.m., deponent served a true copy of the Summons in a
Civil Action, Complaint, Rule 7.1 Statement, Individual
Practice Rules of Judge Baer, Individual Practice Rules of
Magistrate Judge Pitman, Consent to Proceed Before a United
States Magistrate Judge [Blank Form], Procedures for
Electronic Case Filing dated March 6, 2003, Guidelines for
Electronic Case Filing dated December 1, 2003, and 3rd Amended
Instructions for Filing an Electronic Case or Appeal dated
June 7, 2004 upon Eateries, Inc., by serving their Registered
Agent, The Corporation Service Company at 2711 Centerville
Road, Wilmington, Delaware by personally delivering and
leaving the same with Mary Drummond, Managing Agent, who
informed deponent that she is authorized to accept service at
that address.

Mary Drummond is a black female in her 40's, stands
approximately 5 feet, 6 inches tall, weighs approximately 130
pounds with brown hair and brown eyes.

Sworn to before me this
9th day of November, 2007.


DANIEL NEWCOMB


NOTARY PUBLIC

KIMBERLY J. RYAN
NOTARY PUBLIC-DELAWARE
My Commission Expires June 16, 2018